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REMARKS

Claims 1-7 are pending in the present Application. Claim 1, 4 and 5 have been amended and claim 2 has been canceled, leaving Claims 1 and 2-7 for consideration upon entry of the present Amendment. The Specification has been amended to correct certain typographical errors primarily resulting from translation. Support for the amendment to claim 1 may be found in the examples, particularly Table 1 and in paragraph 40. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Objections

Claims 4 and 5 have been objected to for the lack of the word "the" following "wherein". Applicants have amended the claims per the Examiner's suggestion.

Claim Rejections Under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)

Claims 1-7 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. 5,109,068 to Yamasaki et al, or, in the alternative, under 35 U.S.C. § 103(a), as allegedly unpatentable over Yamasaki et al. Applicants respectfully traverse these rejections.

Yamasaki discloses a composition containing 10 to 98% by weight of a styrene-based polymer having syndiotactic configuration with a racemic pentad of 30% or more, and 90-2% by weight of a polyphenylene ether having an intrinsic viscosity of 0.28 dl/g or more at 30°C in chloroform. The composition may optionally include a flame retarder and a rubber-like elastomer. Yamasaki is silent with regard to both the tensile strength of the composition and the molecular weight distribution of the rubber-like elastomer.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Similarly, for an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

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Applicants respectfully assert that Yamasaki can neither anticipate nor make obvious the instant claims because Yamasaki does not disclose all elements of the claimed invention, namely the tensile strength of the composition and the molecular weight distribution of the rubber-like elastomer.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Yamasaki et al. in view of U.S. Patent No. 3,383,435 to Cizek. Cizek teaches a composition comprising polyphenylene ether and atactic polystyrene and does not teach or discuss syndiotactic polystyrene. Applicants respectfully point out that an expectation of success for a composition comprising syndiotactic polystyrene and polyphenylene ether cannot be based a composition comprising atactic polystyrene due to the significant art recognized differences between syndiotactic and atactic polystyrenes. Further, Cizek does not cure the deficiencies of Yamasaki et al. as discussed above. Applicants respectfully request withdrawal of this rejection.

Claims 1-7 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. 5,391,611 to Funayama et al, or, in the alternative, under 35 U.S.C. § 103(a), as allegedly unpatentable over Funayama et al. Applicants respectfully traverse these rejections.

Funayama et al. discloses a composition containing a styrenic polymer having a high degree of syndiotactic configuration, a rubbery polymer having a product of weight average molecular weight and styrenic monomer unit content of at least 30,000, a polyphenylene ether and a filler. The composition may optionally contain a flame retardant.

Funayama et al. is silent with regard to the tensile strength and tensile elongation of the composition and thus Funayama et al. does not disclose all elements of the composition. Further the pending claims contain the transitional language "consisting essentially of" which precludes the inclusion of any components that would materially affect the basic and novel characteristics of the composition, particularly the tensile strength and tensile elongation. As well understood in the art, the inclusion of fillers has a significant impact on tensile characteristics, particularly elongation and thus are not within the scope of the claimed

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composition. Because Funayama et al. requires the presence of filler Funayama can neither anticipate nor make obvious a composition without filler.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Funayama et al. in view of Cizek. Cizek teaches a composition comprising polyphenylene ether and atactic polystyrene and does not teach or discuss syndiotactic polystyrene. Applicants respectfully point out that an expectation of success for a composition comprising syndiotactic polystyrene and polyphenylene ether cannot be based a composition comprising atactic polystyrene due to the significant art recognized differences between syndiotactic and atactic polystyrenes. Further, Cizek does not cure the deficiencies of Funayama et al. as discussed above. Applicants respectfully request withdrawal of this rejection.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862.

Respectfully submitted,

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